HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 529(S/S)06:

1. Paloskar Singh S/o late Sri Pratap Singh,
   r/o village Khatima, Tehsil Khatima, U.S. Nagar,
2. Pradeep Kumar S/o Sri Amar Singh,
   r/o village Khatima, Thesil, Khatime, U.S. Nagar,

--- Petitioners.

Vs.

1. State of Uttaranchal through
   Secretary Home, Secretariat Dehradun,
2. Senior Superintendent of Police,
   Udham Singh Nagar.

----- Respondents.

Sri B.P. Nautiyal, learned counsel for the petitioners,
Learned Standing Counsel for the State of Uttaranchal.

Hon'ble M.M. Ghildiyal, J.

Heard Sri B.P. Nautiyal, learned counsel for the petitioners and learned Standing Counsel who has accepted notices for the respondents.

By means of this writ petition, the petitioners have prayed for the following reliefs:-

i. issue a writ or direction in the nature of mandamus commanding the respondent no.2 to consider the case of the petitioners for appointment as constable against the vacancies notified as per advertisement dated 30.01.2006 (annexure no.3) for district Udham Singh Ngar in view of the fact that petitioner no. 1 is a Scheduled Tribe candidate and both the petitioners have served as Home Guards for about four years and is serving honorary as Home Guard.

ii. Issue any other writ order or direction in the nature of mandamus which this Hon'ble Court may deem fit and proper in the circumstances of the case,

iii. Award the cost of the petition to the petitioner.

During the course of arguments, learned counsel for the petitioners conceded that the petitioners have not qualified the written test which was conducted for appointment of the constable in the district.

In view of the aforesaid statement advanced by the learned counsel for the petitioners, the petition lacks merit and is liable to be dismissed.

The writ petition is dismissed accordingly.

(M.M. Ghildiyal, J.)

April 24, 2006:
NCM: